

## MINUTES

CASE NUMBER: CR 03-00310HG

CASE NAME: UNITED STATES OF AMERICA v. RICHARD A. SUBICA

ATTYS FOR PLA: Michael K. Kawahara, AUSA

ATTYS FOR DEFT: Rustam Barbee, Esq.

U.S.P.O.: Kevin Teruya

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JUDGE: Helen Gillmor

REPORTER: Gloria Bediamol

DATE: November 20, 2007

TIME: 9:10 - 9:35

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COURT ACTION: ORDER TO SHOW CAUSE WHY SUPERVISED RELEASE  
SHOULD NOT BE REVOKED -

The defendant is present in custody.

Financial Affidavit filed.

Court finds that the defendant is qualified to have representation from the CJA panel.  
Court appoints Rustam Barbee to represent defendant Richard A. Subica.

The defendant admitted to Violation Nos. 1, 2, and 3.

The Court found that this is a Grade C violation, Criminal History Category III.

Allocution by the defendant.

Supervised release is revoked.

ADJUDGED: Impr of 10 MONTHS.

SUPERVISED RELEASE: 26 MONTHS, upon the following conditions:

1. That the defendant shall abide by the standard conditions of supervision.
2. That the defendant not commit any crimes, federal, state, or local (mandatory condition).
3. That the defendant not possess illegal controlled substances (mandatory condition).

4. That the defendant shall cooperate in the collection of DNA as directed by the probation officer (mandatory condition).
5. That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the terms of supervision (mandatory condition).
6. That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
7. That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment, and during the remaining term of supervised release.
8. That the defendant participate in a mental health program, at the discretion and direction of the Probation Office.
9. That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.

Advised of rights to appeal the sentence, etc.

Submitted by: Mary Rose Feria, Courtroom Manager